

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
v.)
DEVIN MONTGOMERY)
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Criminal No. 20-175

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR TIME CREDIT

AND NOW comes the United States of America, by its attorneys, Eric G. Olshan, United States Attorney for the Western District of Pennsylvania, and Shaun E. Sweeney, Assistant United States Attorney for said district, responding as follows:

Pursuant to the Court’s Order dated August 18, 2023, (Doc. No. 334) the government was directed to file a response to Defendant’s Motion for Time Credit (hereinafter “Motion”) (Doc. No. 333). In his Motion, the Defendant seeks "...time credit towards his sentence due to the harsh conditions of pretrial incarceration caused by the COVID-19 pandemic..."

The government's response is that the defendant pled guilty and was sentenced to a term of forty-eight months pursuant to the terms of a plea agreement which contains a provision under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. As of the time of sentencing, the defendant had already experienced the conditions which are the basis of his Motion, yet he agreed to the sentence being forty-eight months.

Based on the foregoing, Defendant's Motion for Time Credit should be denied.

Respectfully submitted,

ERIC G. OLSHAN
United States Attorney

/s/ Shaun E. Sweeney
SHAUN E. SWEENEY
Assistant United States Attorney
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